Parliamentary Assembly: Resolution on National Security and Access to Information

IRIS 2013-10:1/3

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The Parliamentary Assembly of the Council of Europe (PACE) adopted its Resolution 1954(2013) entitled “National security and access to information” on 2 October 2013.

The Resolution emphasises the importance of transparency, which includes access to information held by public authorities, for democracy and good governance as well as for the prevention of corruption.

The Resolution considers that well-defined national security interests are valid grounds for withholding information held by public authorities. At the same time it also emphasises that access to information is a “crucial component” of national security, as it enables the informed participation by citizens in the democratic process and government scrutiny.

In its Resolution, the Assembly welcomes the adoption of the “Global Principles on National Security and the Right to Information” (“the Global Principles”) which are designed to provide guidance to legislators and officials in relation to establishing an appropriate balance between public interests in national security and access to information. The Assembly calls on member states of the Council of Europe to take these principles into account in their legislation and practice concerning access to information.

The Assembly stresses the importance of a number of principles including:

- Information held by public authorities should be freely accessible. Exceptions to this rule based on national security or other reasons must be provided by law, pursue a legitimate aim and be necessary in a democratic society;

- In order to prevent overly-broad exceptions to the rule of free access to information, access to information should be granted in situations where the public interest in the information “outweighs the authorities’ interest in keeping it secret.’’;

- “Whistle-blowers” who have acted in good faith and followed procedures should be protected; and

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- Public oversight bodies should have relevant expertise, powers of investigation and full access to protected information. Such bodies should also be independent from the executive.

Finally, the Assembly calls on all member states, which have not already done so, to sign and ratify the Council of Europe Convention on Access to Official Documents (see IRIS 2009-2/2).

Parliamentary Assembly of the Council of Europe Resolution 1954(2013) National security and access to information, 2 October 2013.

http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20190&lang=en

Committee on Legal Affairs and Human Rights. National security and access to information. Report Doc. 13293, 3 September 2013

http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=20056&lang=EN

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